



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



LINDA S. ADAMS
SECRETARY FOR
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ARNOLD SCHWARZENEGGER
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March 5, 2008

Mr. Ed Robey, Chairman
Lake County Board of Supervisors
255 North Forbes Street
Lakeport, California 95453

Dear Mr. Robey:

The California Environmental Protection Agency (Cal/EPA), Governor's Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of Lake County Environmental Health's Certified Unified Program Agency (CUPA) on October 18 and 19, 2006. The evaluation was comprised of an in-office program review and field inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which included identified deficiencies, preliminary corrective actions, and timeframes.

The Evaluation Summary of Findings was approved by Don Johnson, Assistant Secretary for the Unified Program & Emergency Response, on November 13, 2006 and sent to the Health Services Director, Mr. Raymond Ruminiski. Lake County's CUPA program performance was found to be unsatisfactory. The November 13, 2006 letter included the agreed on corrective actions and required the Lake County CUPA to make regular status reports every 90 days to Cal/EPA. Deficiency Status Reports depicting Lake County's progress were received on January 12, 2007, April 19, 2007, July 9, 2007, August 10, 2007 and September 25, 2007. The progress reports show that Lake County is not meeting the corrections or the timeframes that were agreed upon by the Health Services Director at the close of the evaluation on October 19, 2006. The September 25, 2007 update also stated that the prospect for accomplishing the corrections in the foreseeable future was not good.

Lake County has historically had difficulty maintaining a program that meets the minimum requirements prescribed in statute and regulation. Evaluations from December 1998, November 2001 and June 2005 all had findings of unsatisfactory. Due to the long term continuing program difficulties and given the last status report's

Mr. Ed Robey, Chairman
March 5, 2008
Page 2

indication that correction of the deficiencies is unlikely, Cal/EPA is required to take the action specified by statute, Health and Safety Code, section 25404.4(a)(1), and elevate the correction plan to a formal Program Improvement Agreement (PIA) with the governing body of the county. The enclosed PIA identifies those deficiencies from the October 2006 evaluation that have not been corrected and provides new timeframes for correction that are consistent with those originally agree on.

Please review the enclosed PIA and either approve the agreement or provide suggested modifications to the corrective actions and timeframes within 30 days. To complete the deficiency correction process, Cal/EPA will expect deficiency status reports every 90 days from the agreement approval date detailing the Lake County CUPA's progress toward correcting the deficiencies. The status reports should be reviewed and approved at the Health Services Director level and sent to Assistant Secretary Don Johnson to ensure that all levels of program management remain aware of the progress being made.

Recent communication with the Lake County CUPA's program management indicates that additional resources have been assigned to the program. This is welcome news and should help speed the correction of the remaining deficiencies. Thank you for your commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact me at (916) 322-2893 or Assistant Secretary Don Johnson at (916) 322-8284.

Sincerely,

[Original signed by Matt Bogoshian]

Matt Bogoshian
Deputy Secretary
Law Enforcement and Counsel

Enclosure

cc: Mr. Don Johnson, Assistant Secretary
Unified Program & Emergency Response
1001 I St.
Sacramento, California 95814

Mr. Jim Bohon, Program Manager
Cal/EPA Unified Program
1001 I St.
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Mr. Ed Robey, Chairman
March 5, 2008
Page 3

cc: Mr. James Brown, Director
Health Services Department
922 Blevins court
Lakeport, California 95453-9739

Mr. Raymond Ruminiski, Director
Division of Environmental Health
922 Blevins court
Lakeport, California 95453-9739



Linda S. Adams
Secretary for
Environmental
Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

CERTIFIED UNIFIED PROGRAM AGENCY PROGRAM IMPROVEMENT AGREEMENT

Lake County Environmental Health Evaluation Date: October 18 and 19, 2006

This Program Improvement Agreement includes the deficiencies identified during the October 18 and 19, 2006 evaluation that have not been corrected as of the date of this agreement. The remaining deficiencies are numbered with the original numbers to provide for referencing to the original Summary of Findings issued. The outstanding deficiencies, required actions, corrective action timeframes and documentation are identified in this agreement. Please review this agreement and certify that all deficiencies will be corrected as specified.

	<u>Deficiency</u>	<u>Corrective Action</u>
1	<p>The CUPA is not annually reviewing or summarizing their review of their Unified Inspection and Enforcement Plan. In addition the AEO process has not been incorporated into the plan. The CUPA identified this in their FY 05/06 self-audit, indicating that the plan has not been updated since 1996.</p> <p>Additionally, the plan has not been amended to include a discussion of how the CUPA will expend 5% of its hazardous waste related resources to the oversight of Universal Waste handlers and silver-only generators as well as identifying the inspection frequency for Conditionally Exempt Small Quantity Generators and farms.</p> <p>CCR, Title 27, Section 15200 and 15200(f)(3); HSC Chapter 6.5, Section 25201.4(c) and CUPA forum board position</p>	<p>By October 30, 2008, the CUPA will review and update their Inspection and Enforcement Plan, including the incorporation of the AEO process, a discussion of how the CUPA will expend 5% of its hazardous waste related resources to the oversight of Universal Waste handlers and silver-only generators, and identifying the inspection frequency for Conditionally Exempt Small Quantity Generators and farms.</p>

Lake County CUPA
Program Improvement Agreement

2	<p>The CUPA is not remitting the state surcharge collected to the State. According to the FY 04/05 annual single fee summary report, the CUPA collected \$8,508.70 in state surcharges. According to the FY 05/06 annual single fee summary report, the CUPA collected \$8,232 in state surcharges. However, the State records indicate that these amounts were not submitted to the State.</p> <p>CCR, Title 27, Section 15210(c)</p>	<p>The CUPA will remit the FY 04/05 and 05/06 state surcharge to the State by September 30, 2008.</p>
3	<p>As noted in the 2005 CUPA evaluation, the CUPA is not regulating all agricultural handlers under the Business Plan program. Efforts are ongoing to inventory all the population of agricultural handlers in the county. According to CUPA personnel, the Lake County Agricultural Commissioner's office is not interested in participating in the Business Plan program.</p> <p>HSC Chapter 6.95, Sections 25503.5(a)(1) and (c)(5)</p>	<p>On or before October 30, 2008, the CUPA will develop and continue implementing a plan, including a timeline, outlining how agricultural handlers will be evaluated, and, if necessary, brought into compliance with Business Plan program requirements.</p>
4	<p>As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program. In FY 04/05, the CUPA inspected 86 of 293 businesses. In FY 05/06, the CUPA inspected 53 of 303.</p> <p>HSC Chapter 6.95, Section 25508(b)</p>	<p>By August 29, 2008, the CUPA will develop and begin implementing a plan to ensure that each Business Plan program facility is inspected at least once every three years.</p>
5	<p>As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities. A mail-out informing these facilities of this requirement is currently in preparation.</p> <p>HSC Chapter 6.95, Section 25534</p>	<p>By August 29, 2008, the CUPA will develop and begin implementing a plan, including a timeline, for conducting preliminary risk determinations for these stationary sources.</p>

Lake County CUPA
Program Improvement Agreement

8	<p>The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release. The CUPA is now using the boiler plate procedures that contain the instructions.</p> <p>CCR, Title 19, Section 2731(a)(2)</p>	<p>Beginning immediately, the CUPA will insure that all Business Plans, as they are submitted, contain this information in the emergency response plan. The CUPA should not accept a certification of review pursuant to H&SC 25505(c) if the emergency response plan on file does not contain this information. By October 30, 2010, all Business Plans should be complete and correct.</p>
9	<p>UST plot plans reviewed did not contain all the required elements or the monitoring system information was missing.</p> <p>CCR, Title 23, Section 2711(a)(8) & Monitoring System Certification, Appendix 6 of Title 23</p>	<p>By May 30, 2008, the CUPA will ensure that all files are complete and updated as necessary.</p>
10	<p>With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies. The CUPA has made efforts to identify and register generators of hazardous waste at farms and businesses below the business plan threshold.</p> <p>CCR, Title 27, Sections 15200(b)(1) and 15200(f)(1)(C)</p>	<p>By September 30, 2008, the CUPA will develop and begin implementing a plan to ensure that each hazardous waste facility is inspected at least once every three years or by the frequency established in their Inspection and Enforcement Plan for farms and businesses below the business plan threshold.</p>
11	<p>During the file review, Certification of Return to Compliance (RTC) for minor violations was not observed in the files, or re-inspection reports to confirm RTC was not observed in the files. The CUPA has developed a RTC form. The following files did not have a certification or re-inspection to confirm RTC within 30 days of the violation: Kelseyville Auto Salvage, Tower Mart #163, Fast and Easy Mart, Pivinska Trucking, and numerous UST files.</p> <p>CCR, Title 23, Section 2712(e) & HSC Chapter 6.7, Section 25288(d)</p> <p>CCR, Title 27, Section 15200(f)(2)(C) and & HSC Chapter 6.5, Section 25187.8(g)(1)</p>	<p>By December 31, 2008, the CUPA will review the files of those businesses inspected in 2006 and determine if violations remain uncorrected and take appropriate actions as necessary.</p>

Lake County CUPA
Program Improvement Agreement

12	As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process. HSC Chapter 6.95, Section 25503.5(c)	By September 30, 2008, the CUPA will exempt heating fuel following the exemption process in HSC Chapter 6.95, Section 25503.5(c).
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Signature: Chair, Board of Supervisors

Date

Printed Name